

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

**MDL NO. 2804
CASE NO. 1:17-MD-2804
Judge Dan Aaron Polster**

THIS DOCUMENT RELATES TO:

*Masiowski v. AmerisourceBergen Drug
Corporation, et al. 1:18-op-45985*

**THE KROGER CO.’S UNOPPOSED MOTION TO JOIN PHARMACY DEFENDANTS’
UNOPPOSED MOTION REGARDING DEADLINES TO BRIEF PLAINTIFF MICHAEL
MASIOWSKI’S MOTION FOR LEAVE TO AMEND COMPLAINT AND CORRECTED
MOTION FOR LEAVE TO AMEND COMPLAINT**

Defendant, The Kroger Co. (“Kroger”) [incorrectly identified in Plaintiff’s Proposed First Amended Class Action Complaint (Dkt. 33-2) and Corrected Proposed First Amended Class Action Complaint (Dkt. 5582-1) (the “Complaint”) as “The Kroger Company”], moves this Court to join the Unopposed Motion Regarding Deadlines to Brief Plaintiff Michael Masiowski’s Motion for Leave to Amend Complaint and Corrected Motion for Leave to Amend Complaint, filed by CVS Pharmacy, Inc., Walgreen Co., Walgreen Eastern Co., Inc., and Walmart Inc. (Dkt. 5657) (“the Motion”) under Fed. R. Civ. P. 41., which was granted by non-document order on September 27, 2024. Plaintiff does not oppose Kroger’s motion to join.

Further, Kroger hereby preserves its right to file its own objections to Plaintiff Michael Masiowski’s Motion to Amend Complaint and Corrected Motion to Amend Complaint on additional grounds not raised in the Motion.

Dated: September 30, 2024

Respectfully submitted,

The Kroger Co., by counsel,

s/ Ronda L. Harvey

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2024, a true and correct copy of the foregoing was served via CM/ECF, which will send electronic notification of such filing to all counsel of record.

/s Ronda L. Harvey _____

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